

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT A. MOYA,

Plaintiff,

vs.

Civ. No. 24-01002 KRS

**FRANK BISIGNANO¹,
Commissioner of the Social Security
Administration,**

Defendant.

**ORDER GRANTING UNOPPOSED MOTION FOR ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 20), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$6,791.60 in attorney fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

¹ On May 6, 2025, Frank Bisignano became the Senate confirmed Commissioner of Social Security and is substituted as defendant in this case, replacing Lelan Dudek, the Acting Commissioner of the Social Security Administration, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure ("the officer's successor is automatically substituted as party").

IT IS SO ORDERED this 2nd day of July, 2025.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE

SUBMITTED AND APPROVED BY:

Filed Electronically 6/30/25

Laura J. Johnson
Attorney for Plaintiff
Armstrong Johnson Law, LLC

Electronically Approved 6/30/25

Victoria Johnson
Special Assistant U.S. Attorney
Office of Program Litigation - 6
Office of the General Counsel
Social Security Administration